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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/376,992 08/18/99 TAGGART

T STEU-2662

EXAMINER

DOUGLAS, S

ART UNIT	PAPER NUMBER
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3751

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DATE MAILED 05/31/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/376,992

Applicant(s)

Taggart

Examiner

Steven O. Douglas

Group Art Unit

3751



☒ Responsive to communication(s) filed on Aug 18, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 3-15 is/are allowed.

☒ Claim(s) 1, 2, and 16-19 is/are rejected.

☒ Claim(s) 20 and 21 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3751

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Clusserath'487 (US Pat. 5,163,487).

Clusserath'487 discloses a bottle filling apparatus (see Fig. 3) comprising a "valve" 12 connected to a flow of product via pipe 19/22 which is conventionally connected to a pressurized source or tank, and a "valve activating mechanism" 13, wherein a "first sterile region" is proximate reference element 16, and a "second sterile region" (i.e. the supply pipe portion surrounding the stem 12, considering the piping of the device is presterilized before use).


In regard to claim 2, the flow of product is metered (i.e. measured) by the combined use of pressure regulated valve 23 which is in fluid communication with the source or tank, and control system 18.

In regard to claims 16-19, the method as claimed would be inherent during the normal use and operation of the device.

Art Unit: 3751

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Fujikawa et al. reference pertains to another filling device with sterile regions.
4. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 3-15 are allowed.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is (703) 308-0891.



STEVEN O. DOUGLAS
PRIMARY EXAMINER

SD

May 30, 2000